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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

Report of the Secretary-General

1. In its resolution 49/180 of 23 December 1994 on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, the General Assembly, inter alia, reaffirmed that it was the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation and that, consequently, States should establish the necessary mechanisms and means to guarantee full and effective popular participation in those processes; reaffirmed also that any activities that attempted, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that were intended to sway the results of such processes, violated the spirit and letter of the principles established in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations; strongly appealed to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country; called upon the Commission on Human Rights to continue to give priority to the review of the fundamental factors that negatively affected the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the Assembly at its fiftieth session, through the Economic and Social Council; and requested the Secretary-General to

report to the Assembly at its fiftieth session on the implementation of the resolution, under the item entitled "Human rights questions".

2. The present report contains a summary of action taken by the Commission on Human Rights at its fifty-first session pursuant to General Assembly resolution 49/180.

3. At its fifty-first session, held from 30 January to 10 March 1995, the Commission on Human Rights considered, under various items of its agenda, a number of country situations that involved questions relating to the organization and holding of elections. Although no specific action was taken by the Commission at that session to review the fundamental factors that negatively affected the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, as requested by the General Assembly in its resolution 49/180, references were made in a number of resolutions to the issue of elections in the context of guaranteeing the free expression of the will of peoples and ensuring respect for national sovereignty and non-interference in the internal affairs of the States concerned.

4. In its resolution 1995/7 of 17 February 1995 on the question of Western Sahara, the Commission on Human Rights, inter alia, reaffirmed that the objective to which all parties concerned subscribed was the holding of a free, regular and impartial referendum for the people of Western Sahara organized and supervised by the United Nations in cooperation with the Organization of African Unity and without any military or administrative constraint, in accordance with the settlement plan.

5. In its resolution 1995/8 of 17 February 1995 on violations of human rights in southern Africa, the Commission, inter alia, expressed its profound satisfaction at the entry into force of South Africa's new Constitution on 27 April 1994, the holding of democratic elections from 26 to 29 April 1994, the convening of South Africa's new Parliament on 5 May 1994 and the installation on 10 May 1994 of its President and Government of National Unity; and commended the Organization of African Unity, the Commonwealth, the European Union and the Movement of Non-Aligned Countries for their support to the process of peaceful change culminating in the elections.

6. In its resolution 1995/9 of 17 February 1995 on monitoring and assisting the transition to democracy in South Africa, the Commission, inter alia, expressed its profound satisfaction at the entry into force of South Africa's new Constitution on 27 April 1994, the holding of one person/one vote elections from 26 to 29 April 1994, the convening of South Africa's new Parliament on 5 May 1994 and the installation on 10 May 1994 of its President and Government of National Unity.

7. In its resolution 1995/52 of 3 March 1995 on the situation of human rights in Togo, the Commission inter alia, welcomed the fact that Togo had set out on the road to democratic political change, and urged all Togolese to respect the outcome of the parliamentary elections held in February 1994 and to ensure the effective functioning of the democratically elected parliament.

8. In its resolution 1995/60 of 7 March 1995 on ways and means of overcoming obstacles to the establishment of a democratic society and requirements for the maintenance of democracy, the Commission, taking account of the fact that freedom of opinion and expression was reflected in a democratic society through an electoral system which allowed all tendencies, interests and feelings to obtain representation at the level of the executive and legislative power and, therefore, at all levels of power, inter alia, decided to examine, at its fifty-second session, ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights.

9. In its resolution 1995/69 of 8 March 1995 on the situation of human rights in Zaire, the Commission, inter alia, called in particular with a view to the holding of elections with universal suffrage, for continued and broadened efforts to assure full respect for the right to freedom of opinion and expression, in particular for all mass media, as well as freedom of association, assembly and peaceful demonstration; and urged strongly that all Zairian political forces respect the peaceful aspect of the democratic transition so that it be completed through the organization of free elections, taking into account the prerequisites set forth in the Constitutional Act of Transition.

10. In its resolution 1995/70 of 8 March 1995 on the situation of human rights in Haiti, the Commission, inter alia, welcomed the action taken by the International Civilian Mission to Haiti to protect and promote human rights and strengthen democratic institutions in Haiti and, in particular, its support for the holding of legislative elections on 4 and 25 June 1995, elections which were essential for such strengthening.

11. In its resolution 1995/72 of 8 March 1995 on the situation of human rights in Myanmar, the Commission, inter alia, again urged the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to guarantee democracy in full accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that all political parties might freely exercise their activities.

12. Lastly, in its resolution 1995/74 of 8 March 1995 on the situation of human rights in Afghanistan, the Commission, inter alia, urged all the Afghan parties to intensify efforts aimed at achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic government elected through free and fair elections based on the right to self-determination of the people of Afghanistan; and invited the United Nations to offer, upon request and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections.